

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI April 26, 2011

INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on April 26, 2011, at 7:00 p.m. Mayor Presley called the meeting to order with the "Pledge of Allegiance" and Garrett Anderson gave the invocation.

ROLL CALL

City Clerk Westfall called roll: Mayor Presley presiding, Bob Simmons, Rick Davis, Cris Bohinc, Patrick Parnell and Mike Booth present. Absent: Rick Todd.

Also present from the City were: City Administrator Dean Kruithof, City Attorney William Duston, City Clerk Lisa Westfall, Communications Director Jerry Adams, Information Technology Director D.J. Cline, Public Works Director and City Engineer David Miller, Parks and Recreation Director Cindy Shook, Fire Chief Carl Sparks, Economic Development Director Garrett Anderson, Planning and Development Director Jim Lawson, Police Chief Carroll McCullough, Finance and Personnel Director Lori Helle and Utilities Director Mike Ray.

PRESENTATION OF AWARDS TO GREEN INITIATIVE RECIPIENTS

The presentation of the awards to Green Initiative Recipients was postponed to the May 10, 2011 meeting.

PUBLIC COMMENT

Mayor Presley began the Public Comments section of the Board of Aldermen meeting by stating the Board would hear citizens that signed the Speaker's Sheet in the order they are listed on the sheet.

Stan Field, 271 Ikard Lane, Branson West, Missouri, stated as the Chief Financial Officer of the Branson Airport, he wanted to deliver an invoice to the City of Branson for payment under the Pay for Performance Agreement. Mr. Field stated the invoice was prepared in accordance with the agreement and is for July 2010 through December 2010 time period and noted the invoice is being delivered by April 30th as specified in the agreement. Mr. Field stated the invoice amount due is \$327,770.72 and commented he chose to deliver the invoice during the public comments section of the meeting in order to publicly state the Branson Airport's expectation that the City pay the invoice amount under the Pay for Performance Agreement and he requested the Board appropriate funds.

CONSENT AGENDA

Mayor Presley asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Hearing none, Mayor Presley asked City Clerk Westfall to read the items on the Consent Agenda. City Clerk Westfall read the following Consent Agenda items by title.

Approval of the Board of Aldermen Minutes:

- a) April 7, 2011 Study Session
- b) April 12, 2011 Regular Meeting I
- c) April 12, 2011 Regular Meeting II

BILL NO. 3914

Ord. No. 2011-0037

Approving an Intergovernmental Agreement between the City of Branson and Taney County for the White River Emergency Communications Project.

Final reading of Bill No. 3914, an ordinance approving an Intergovernmental Agreement between the City of Branson and Taney County for the White River Emergency Communications Project and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried. Ordinance No. 2011-0037 was duly enacted.

BILL NO. 3915

Ord. No. 2011-0038

Approving an addendum to the contract with Cody Computer Systems for the White River Emergency Communications Project.

Final reading of Bill No. 3915, an ordinance approving an addendum to the contract with Cody Computer Systems for the White River Emergency Communications Project and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried. Ordinance No. 2011-0038 was duly enacted.

BILL NO. 3916

Ord. No. 2011-0039

Accepting the proposal of Kimberling City Tire Company, Inc. pertaining to tires, tubes and services.

Final reading of Bill No. 3916, an ordinance accepting the proposal of Kimberling City Tire Company, Inc. pertaining to tires, tubes and services and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried. Ordinance No. 2011-0039 was duly enacted.

Mayor Presley opened the floor for a motion to approve all items on the Consent Agenda. Alderman Davis moved to approve, seconded by Alderman Bohinc. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

REGULAR AGENDA

UPDATE BY LORI HELLE ON MONTHLY FINANCIAL REPORTS.

An update on monthly financial reports was made by Lori Helle and Administrator Kruthof provided the introduction. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments or questions from the Board. Discussion.

Public Hearing for the Branson Hills Infrastructure Facilities Community Improvement District.

City Clerk Westfall stated your Honor, an amended Branson Hills Infrastructure Facilities Community Improvement District was filed with my office today. Let the record show this petition was received and can now be considered part of the petition filing. The amended addition petition was filed to clarify certain sections of the first addition petition and that it states the Five-Year Plan remains substantially unchanged from that originally included with the original petition for district formation and an introduction was presented by Barry Schwartz, a representative of the Branson Hills Infrastructure Facilities Community Improvement District. Mr. Schwartz, 245 Country Bluff Drive, Branson, Missouri, commented the petition's intention is to add approximately 18 acres of ground contiguous to Branson Hills that was not originally included in the district. He stated the petition also requests to remove approximately 8 acres of ground from the district which is being used for an affordable housing project for senior residents. He stated the district will be positively affected as it will increase revenues to the district and none of the property owners should be negatively affected by these changes. Mayor Presley opened the public hearing and asked if anyone in the audience wished to speak in favor of or opposing this matter. The speakers on this issue were:

Robin Carlock, 113 Wingfoot Drive, Branson, Missouri

- Mr. Carlock inquired if the financials outlining the positive and negative effects on home owners will be released.
- He inquired if The Greens is subsidized property from the government and if rent was charged or if the properties were being sold. Mr. Carlock also asked if tenants are charged for maintenance, inquired how low-income housing affects homeowners in Branson and asked how the timeshares would affect homeowners.

Mr. Schwartz stated the Community Improvement District's financial statements can be requested as they are public records. He said The Greens are rental properties under the affordable housing guidelines through MHDC and is not a subsidized project. Mr. Schwartz explained tenants are charged rent and must have income requirements to qualify for the units and he does not believe this will negatively affect property owners in Branson, but will meet a need for low income housing in Branson. Mr. Schwartz commented the petition to add property is a resort condominium project and the developers have purchased the land, but have not moved forward with designs or plans at this time.

Ronni Haston, 194 Siena Boulevard, Branson, Missouri

- Ms. Haston asked what the current zoning is for the proposed removed property. She inquired if The Greens were to stay in the CID, given that housing units are built, if it will ever change classification to residential lots. She asked if they are platted residential lots since they are apartments.
- Ms. Haston commented that from a homeowners perspective, since land classified as "other land" is paid per acre and platted residential lots are paid per lot, there is a big difference in terms of the obligation to pay the CID. She expressed concern

that picking up an obligation for platted lots that would reduce the obligation for the rest of the homeowners which is what the structure of the bond is intended to do.

- She asked if The Greens were to stay in the CID, would they be responsible for a higher CID contribution since it would be improved land. She commented that homeowners who currently pay the full platted lot amount should have a decrease in their contribution if The Greens were to stay in the CID and would not see the decrease the way that they should. She inquired if and when the timeshares get developed, would they contribute the appropriate amount to the CID.
- Ms. Haston asked what the current exceptions to the CID are and stated there are two exceptions on the map they received and wanted to know why they were made exceptions.
- She asked why The Greens requested to be removed from contributing to the payment of the CID when they currently benefit from the improvements in that area. She inquired if The Greens understood the CID obligation at the time they decided to build the development and asked who the developers were. Ms. Haston asked if The Greens are not removed from the CID, will they be allowed to pass on the cost.
- Ms. Haston stated there are several questions she would like to have answered before the Board of Aldermen approves the removal of proposed property from the CID, as it will affect how much each home owner in the CID will pay. She commented she feels homeowners are happy to add in property, but are hesitant removing property that will continue to benefit from the CID, but not pay their fair share.
- Ms. Haston pointed out the marketing literature for The Greens states it is affordable and maintenance-free housing and income restrictions apply under MHDC. She stated this infers government subsidized housing and commented another risk she observed is if the categorization of the special assessments are platted residential lots and condominium units, whoever owns this land will pay much less than an individual single family homeowner. Ms. Haston stated she was unsure as to how the timeshares will be classified, but feels other people in the development expect all of the property owners to be individual, single family homes. Ms. Haston stated the bond requires a set amount be paid each year for a certain amount of years and a risk she foresees is that assessments will go up for everyone and believes this will set a precedent for future developers and be an ongoing issue.

Mr. Schwartz explained zoning is not the issue at hand, but the classification under the CID for fees and stated zoning is its own PD and does not have any effect on assessments per the district. He said the district has a number of classifications of developed commercial property; it has what is called "other land" which is a flat amount per acre and both parcels are assessed using the other land classification. Mr. Schwartz stated The Greens will remain under the classification of other land and explained there are categories of lot values in the district. He said the apartments are considered other land under the district, and The Greens would always be considered other land. Mr. Schwartz stated condominiums are different as these are platted condominium units and their value and assessments would increase and feels the net benefit to the CID will be greater than what it is today when these are developed. Mr. Schwartz clarified that the two exceptions on the map were never part of the district to begin with as they were never part of the original petition when the district was formed. He explained the reason The Greens requested to develop an affordable housing project in the community and based on the rate structure the district would have put a burden on it so that it wouldn't have been able to develop that type of project. He said The Greens understood the CID obligation at the time they decided to build the development, but it has taken time to get through the formal process. Mr. Schwartz stated he cannot speak on behalf of the developer as he is not involved in their processes. He stated the classifications and categories of property within the district were formed at the time the district was formed and they have not changed. Mr. Schwartz said when the district was formed, residential lots were planned and said they could be a maximum of approximately \$2,500 per year and believes they started an upwards

of about \$1,600 and have come down over the years to about \$1,400-\$1,500. He stated he doesn't believe the district and the CID Board have the intent to make changes that will negatively impact property owners. Mr. Schwartz stated all documents are available to the public under the Sunshine Law for review.

Tom Heffron, 112 Pebble Beach Court, Branson, Missouri

- Mr. Heffron stated there is a lot of confusion as to the actual finances regarding the CID and commented he reviewed the budget report submitted and there are no line items explaining how the money is being used.
- He inquired who makes decisions regarding the classification of The Greens as to whether it is considered residential, condominium or other use.
- He expressed concern that property owners might bear the loss in revenue if The Greens were removed from the CID.
- Mr. Heffron asked what the projected revenues and expenditures were and inquired of the costs associated with removing the property from the CID. He commented he feels property owners were not well informed and stated the CID Board does not report to the taxpayers in the district about finances and feels the Board of Aldermen needs to have more information before they vote on this issue.
- He inquired why anyone who is not originally part of the district would submit a petition to join the district if they aren't receiving any benefit and stated it doesn't make sense for an individual developer to make that agreement or two developers discussing joining the CID.
- Mr. Heffron stated the CID Board's responsibility when reviewing requests for removal or addition should include analysis of any negative impact and believes this should be done separately to analyze the benefits or retractions from the CID. He expressed concern as to why he didn't hear about this issue sooner.

Mr. Schwartz explained a CID is a municipality under the City of Branson and is subject to the Sunshine Law and any information can be made available upon request. He stated the CID was formed in 2006 and the founding documents have not changed and commented that the CID Board can consider adding or removing property as long as it does not have any negative impact on the district and the taxpayers. Mr. Schwartz stated this petition does not have a negative impact and can only have a positive over the long term. He stated the district had an initial plan and did some improvements and going forward the district's plan is to pay its debt service from the bonds that were issued from the date it was established. Mr. Schwartz informed everyone that any additional improvements issued under the district would require a vote of the members of the district and stated the district doesn't have any additional plans except for assessing debt service. He stated once the debt service is paid off, the district will have no additional assessments. Mr. Schwartz explained when a developer of the project sold the ground to that party, part of that agreement was they were asked to join the district as part of the project since they would benefit from the district.

Tom Bishard, 123 Bethpage Court, Branson, Missouri

- Mr. Bishard expressed his concerns relating to lack of information and understanding and feels that from his standpoint these bonds should be paid off in a timely fashion and feels it is important that local assessments not raise. He feels that adding and removing property after the CID has been established raises concern.
- He stated he reviewed the amended and restated cooperative agreement between the City and the Branson Hills Infrastructure CID and mentioned the project and investment in the bond involves a high degree of risk. He stated that pursuant to the CID Act, no CID may repeal or amend its special assessment unless it will not impair the district's ability to repay its obligations. He commented that this implies they must be 100% certain that the district's ability to meet its future obligations will not be impaired. He said the document also states that all directors and officers of the district are owners, employees or affiliated with the developer and stated this is a concern as the committee has not evolved over time. Mr. Bishard commented

some of the risk to bondholders includes foreclosure sales which may limit lien revenue from special assessments. He mentioned attending the last homeowners meeting which informed everyone that approximately 16% of lot owners and golf course development are delinquent and feels this is important to consider. He pointed out that collecting delinquencies is time consuming and could affect making timely debt payments. He stated developers could possibly sell land to public entities which are exempt from paying special assessments and feels this could be a liability to retiring the bond debt. Mr. Bishard stated the developer could sell land to public entities that are exempt from paying special assessments which he feels could also be a liability to retiring the debt. He stated the developer is depending on continued lot, land and condo sales to finance the infrastructure improvements and some risks could include decline in the housing market, inability of buyers to obtain financing and the impact of competing developments. Mr. Bishard commented that legal control of the district can be an issue since the formation of the CID district precedes the beginning of the development and members on the initial board of directors are typically principals or employees of the developers. He expressed the need to be aware that special assessments could result in an increase, and a decrease in land values which could increase the probability that landowners are willing to lose their properties in a tax foreclosure rather than pay the special assessments.

- He asked if it was fair for the area where The Greens is located to neglect any future responsibility since they have benefitted from infrastructure improvements.
- Mr. Bishard talked about the adverse impact of added properties on the depreciation rate, performance or continuing maintenance costs of the infrastructure provided from the special assessment revenue bonds. He stated The Greens are nearly finished and ready for occupancy and asked if the land mentioned has a timeline for completion.
- Mr. Bishard stated there are many questions remaining that he wanted to make the Board of Aldermen aware of.

Marcia Schemper-Carlock, 113 Winged Foot Drive, Branson, Missouri

- Ms. Schemper-Carlock said homeowners would like to get to the details and have their questions answered.
- She stated she found out that the VPG property was a timeshare property through the council meeting minutes and agendas and thanked the City for posting them.
- She asked if VPG will be in the CID immediately and commented she noticed the property was appraised at \$216,000 for 8 acres of land asked if this figure was correct. She asked what the current assessed value of the 8 acres is and stated she assumes this will be quite a bit higher than what the homeowners have paid for their plats.
- Ms. Schemper-Carlock asked when VPG would have to begin paying into the CID, how much and inquired if they were approved this year, would they have to pay in 2011 or 2012. She asked about delinquent CIDs currently and stated it would be important to know what percentage is delinquent and how many from HCW.
- She inquired how to find out what the new assessed value for VPG would be.

Mr. Schwartz stated the assessed value of \$216,000 is an assessed value for all of the property added into the district as of the date the district was established and commented this is clarified in the amended petition. He stated this value would have to be added up among all of the parcels within this acreage. He explained the assessed value is per Taney County and doesn't necessarily have a relation to the real fair market value of the ground and said the assessed value is a taxed value established by the County. Mr. Schwartz stated that once the petition is approved and made a part of the district on the next tax roll it would pay the assessment. He stated VPG would be on the tax roll for 2011 and explained the district assesses taxes which are part of the real estate tax bill and the CID provides the county with a list every September of every property in the district and it is added to the tax bills. He mentioned the assessments are submitted to the county who then

remits the payment to the district. He informed everyone the district doesn't do any billing on its own as it is done through the county. Mr. Schwartz said the land within the district is assessed at approximately \$1,400 per acre.

Greg Haston, 194 Siena Boulevard, Branson, Missouri

- Mr. Haston asked what the role of the CID Board was and asked for the names of the CID Board members.

Mr. Schwartz stated the CID Board prepares an annual report and audit of the district, conducts state required filings and approves the owner assessment roll per the district. He stated the CID Board also processes funds that go through the trustee and the trustee takes care of the debt service. Mr. Schwartz stated there are five CID Board members which are Rick Huffman, Mark Williams, Barry Schwartz, Gary Fultz and Jeannie Rudloff. Mr. Schwartz commented that The Greens is not the same as the developers of the project and are not the same as the Branson Hills Development Group, but are only a small percentage of it. He commented that the Branson Hills Development was not done by HCW it was done by Branson Hills Development Company and HCW only represents a 25% interest in that company.

Kristin Heffron, 112 Pebble Beach Court, Branson, Missouri

- Ms. Heffron stated the budget and other documents are public documents and asked where interested persons could obtain copies of these documents.

Mr. Schwartz stated he believes the district is following the proper protocol for notification and communication as per the legal process required of the district. He stated the address for Sunshine Law requests is Branson Hills Infrastructure Facilities Community Improvement District located at 153 Payne Stewart Drive, Branson, Missouri, 65616. The Administrator of the CID is Mark Williams, the Chairman is Rick Huffman, Vice Chairman is Gary Fultz, Secretary is Jeannie Rudloff and Barry Schwartz is the Treasurer. He stated public meeting notices are posted at the Branson Hills Infrastructure Community Improvement District office, and there are annual meetings for the assessments.

Mayor Presley asked for comments from the Board. Discussion. Mayor Presley closed the public hearing and stated there will be two bills for consideration at the May 10, 2011, Regular Board of Aldermen meeting, one to add property and one to remove property from the Branson Hills Infrastructure Facilities Community Improvement District.

Alderman Parnell left the meeting at 8:27 p.m. and returned to the meeting at 8:29 p.m.

The meeting recessed at 8:38 p.m. and reconvened at 8:48 p.m.

BILL NO. 3917

Approving a Planned Development for Black Oak Estates Phase 3 and adopting land use regulations PD-11-001.

Public Hearing and First Reading of Bill No. 3917, an ordinance approving a Planned Development for Black Oak Estates Phase 3 and adopting land use regulations PD-11-001 was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Joel Hornickel. Mayor Presley opened the public hearing and asked if anyone in the audience wished to speak in favor of or opposing this matter. Hearing none, Mayor Presley closed the public hearing. Mayor Presley asked for a motion approving Bill No. 3917. Alderman Davis so moved, seconded by Alderman Booth. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

BILL NO. 3918**Approving a Final Subdivision Re-Plat for Black Oak Estates Phase 3.**

Public Hearing and First Reading of Bill No. 3918, an ordinance approving a Final Subdivision Re-Plat for Black Oak Estates Phase 3 was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Joel Hornickel. Mayor Presley opened the public hearing and asked if anyone in the audience wished to speak in favor of or opposing this matter. Hearing none, Mayor Presley closed the public hearing. Mayor Presley asked for a motion approving Bill No. 3918. Alderman Bohinc so moved, seconded by Alderman Booth. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

BILL NO. 3919**Approving the annexation of 1901 Shepherd of the Hills Expressway, Branson, Missouri.**

Public Hearing and First Reading of Bill No. 3919, an ordinance approving the annexation of 1901 Shepherd of the Hills Expressway, Branson, Missouri was read by title by City Clerk Westfall and a staff report was presented by Administrator Kruithof and Ross Williams, architect for the project. Mayor Presley opened the public hearing and asked if anyone in the audience wished to speak in favor of or opposing this matter. Hearing none, Mayor Presley closed the public hearing. Mayor Presley asked for a motion approving Bill No. 3919. Alderman Davis so moved, seconded by Alderman Bohinc. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

BILL NO. 3920**Amending Section 86-621 of the Branson Municipal Code: Schedule I: Stop Signs.**

First Reading of Bill No. 3920, an ordinance amending Section 86-621 of the Branson Municipal Code: Schedule I: Stop Signs was read by title City Clerk Westfall and a staff report was presented by David Miller. Mayor Presley asked for a motion approving Bill No. 3920. Alderman Bohinc so moved, seconded by Alderman Simmons. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

BILL NO. 3921**Accepting the proposal of Friendly Ford, Inc. pertaining to the purchase of a vehicle.**

First Reading of Bill No. 3921, an ordinance accepting the proposal of Friendly Ford, Inc. pertaining to the purchase of a vehicle and authorizing the Mayor to execute the contract was read by title City Clerk Westfall and a staff report was presented by Administrator Kruithof and Keith Francis. Mayor Presley asked for a motion approving Bill No. 3921. Alderman Booth so moved, seconded by Alderman Davis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

BILL NO. 3922

Accepting the proposal of Sam Packs Five Star Ford pertaining to the purchase of vehicles.

First Reading of Bill No. 3922, an ordinance accepting the proposal of Sam Packs Five Star Ford pertaining to the purchase of vehicles and authorizing the Mayor to execute the contract was read by title City Clerk Westfall and a staff report was presented by Keith Francis. Mayor Presley asked for a motion approving Bill No. 3922. Alderman Bohinc so moved, seconded by Alderman Simmons. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

BILL NO. 3923

Accepting the proposal of Tri-Lakes Motors pertaining to the purchase of vehicles.

First Reading of Bill No. 3923, an ordinance accepting the proposal of Tri-Lakes Motors pertaining to the purchase of vehicles and authorizing the Mayor to execute the contract was read by title City Clerk Westfall and a staff report was presented by Keith Francis. Mayor Presley asked for a motion approving Bill No. 3923. Alderman Booth so moved, seconded by Alderman Bohinc. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

BILL NO. 3924

Accepting the proposal of West Brothers Chrysler, Inc. pertaining to the purchase of vehicles.

First Reading of Bill No. 3924, an ordinance accepting the proposal of West Brothers Chrysler, Inc. pertaining to the purchase of vehicles and authorizing the Mayor to execute the contract was read by title City Clerk Westfall and a staff report was presented by Keith Francis. Mayor Presley asked for a motion approving Bill No. 3924. Alderman Bohinc so moved, seconded by Alderman Davis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

BILL NO. 3925

Approving the renewal of the contract with Arvest Bank pertaining to purchase cards.

First Reading of Bill No. 3925, an ordinance approving the renewal of the contract with Arvest Bank pertaining to purchase cards and authorizing the Mayor to execute the contract was read by title City Clerk Westfall and a staff report was presented by Lori Helle. Administrator Kruithof left the meeting due to conflict of interest. Mayor Presley asked for a motion approving Bill No. 3925. Alderman Davis so moved, seconded by Alderman Parnell. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

Administrator Kruithof returned to the meeting.

Alderman Booth left the meeting at 9:33 p.m.

BILL NO. 3926**Approving the renewal of the contract with Ozark Mountain Bank
pertaining to banking and investment services.**

First Reading of Bill No. 3926, an ordinance approving the renewal of the contract with Ozark Mountain Bank pertaining to banking and investment services and authorizing the Mayor to execute the contract was read by title City Clerk Westfall and a staff report was presented by Administrator Kruithof and Lori Helle. Mayor Presley asked for a motion approving Bill No. 3926. Alderman Davis so moved, seconded by Alderman Bohinc. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Simmons, Davis, Bohinc and Parnell. Nays: none. Absent: Todd and Booth. Motion carried.

Alderman Booth returned to the meeting at 9:34 p.m.

BILL NO. 3927**Approving the purchase of in-car video recording equipment from
Digital Ally Inc. for the Police Department.**

First Reading of Bill No. 3927, an ordinance approving the purchase of in-car video recording equipment from Digital Ally Inc. for the Police Department and authorizing the Mayor to execute the contract was read by title City Clerk Westfall and a staff report was presented by Administrator Kruithof and Carol McCullough. Mayor Presley asked for a motion approving Bill No. 3927. Alderman Bohinc so moved, seconded by Alderman Simmons. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

APPOINTMENTS

Mayor Presley requested the following appointments be made:

Dean Kruithof, appointment to the Chamber of Commerce Representative with a term expiring April 2012.

Raeanne Presley, appointment to the Skaggs Regional Medical Center Board with a term expiring April 2012.

Mike Booth, appointment to the Taney County Airport Board with a term expiring April 2012.

Bob Simmons, appointment to the Advisory Park Board with a term expiring April 2012.

Larry Wilson, appointment to the Advisory Park Board replacing Joe McDowell with a term expiring June 2013.

Larry Hogue, re-appointment to the Board of Appeals with a term expiring April 2015.

Gerald Oney, re-appointment to the Board of Appeals with a term expiring April 2014.

Emma Jordan, appointment to the Branson Housing Authority to fill the unexpired term of Tommie Nix expiring October 2012.

Glenda Justus, re-appointment to the Branson Housing Authority with a term expiring October 2014.

Don Baker, re-appointment to the Branson Housing Authority with a term expiring October 2014.

Mike Booth, appointment to the Budget and Finance Committee with a term expiring April 2012.

Rick Davis, appointment to the Budget and Finance Committee with a term expiring April 2012.

David Strong, appointment to the Budget and Finance Committee with a term expiring April 2012.

Bill Jones, appointment to the Budget and Finance Committee with a term expiring April 2012.

Bob Simmons, appointment to the Capital Improvement Committee with a term expiring April 2012.

Rick Todd, appointment to the Capital Improvement Committee with a term expiring April 2012.

Nelda Lies, appointment to the Capital Improvement Committee with a term expiring April 2012.

Jerry Emery, appointment to the Capital Improvement Committee with a term expiring April 2012.

Cy Murray, appointment to the Industrial Development Authority to fill the unexpired term of Charles Hargrove expiring December 2012.

Pat Parnell, appointment to the Personnel Committee with a term expiring April 2012.

Cris Bohinc, appointment to the Personnel Committee with a term expiring April 2012.

Janet Akers, appointment to the Personnel Committee with a term expiring April 2012.

Luise Bird, appointment to the Personnel Committee with a term expiring April 2012.

Rick Davis, appointment to the Planning and Zoning Commission with a term expiring April 2012.

Brenda Romine, re-appointment to the Planning and Zoning Commission with a term expiring April 2015.

Greg M. Baker, appointment to the Forsythe Road Community Improvement District replacing Bryan Starkey with a term expiring June 2012.

Chad Buckwalter, appointment to the Forsythe Road Community Improvement District replacing Russell L. Cook with a term expiring June 2012.

Keran Lemons, appointment to the Forsythe Road Community Improvement District replacing Ines Starkey with a term expiring June 2014.

Marcia Hickenbottom, appointment to the Forsythe Road Community Improvement District replacing Wanda Cook with a term expiring June 2014.

Milli Bradley, appointment to the Forsythe Road Community Improvement District replacing Russell W. Cook with a term expiring June 2014.

Mayor Presley asked for a motion approving the appointments. Alderman Simmons moved to approve, seconded by Alderman Bohinc. Mayor Presley asked for comments. No discussion. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Simmons mentioned the Park Board met Monday night to discuss several items and said he was impressed with how they discuss finances in detail at every meeting. Alderman Simmons suggested the City consider funds for future park projects as currently there aren't any funds for park projects.

Alderman Davis reminded everyone the Comprehensive Plan Steering Committee meeting is Thursday Night at the Branson Convention Center. Alderman Davis inquired if the Cantwell Neighborhood walk had been rescheduled and Mayor Presley stated it will be on May 5th.

Alderman Bohinc mentioned attending the press conference today concerning the flooding and complimented the City Staff for how they have handled what the community is going through.

Alderman Parnell complimented City staff for quickly responding to his neighbor's house that had water leaking into it last week.

Alderman Booth mentioned there was discussion at the last Taney County Airport Board meeting regarding rent increases to increase revenues. He thanked the City staff for their efforts helping people affected by the flooding and thanked Dean Kruithof his continual updates. Alderman Booth applauded everyone who voiced their concerns at the meeting tonight from Branson Hills Infrastructure Facilities Community Improvement District.

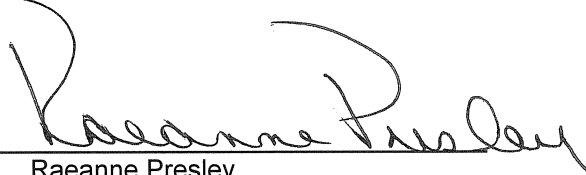
Administrator Kruithof stated he and Chief Sparks will be providing an update on the flood situation. He stated he sent a wide email to everyone about rescheduling the Fire Chief interviews due to the flooding. Administrator Kruithof stated the Finance Department will be open until 6:00 p.m. on Friday and 8:00 a.m. to 12:00 p.m. on Saturday, April 30th to better accommodate customers as business licenses are due on April 30th. Administrator Kruithof thanked the Finance Department for their efforts on serving the City's citizens.

Mayor Presley asked Police Chief Caroll McCullough about the Westboro Group protest at the Charlie Daniels show at the Mansion Theater. Police Chief Caroll McCullough stated contact has been made to all parties involved with the protest and stated extra precautions are being taken. Mayor Presley stated she is expecting a peaceful event. She reminded everyone Friday is Arbor Day and trees will be planted at the Owen Park entrance by the Tree Board. She informed everyone the group working on establishing a county-wide library system will be presenting at the County Commission on May 2nd. Mayor Presley thanked Michael Pinkley for his service on the Capital Improvements Committee and asked everyone to keep Rick Todd in their thoughts as he deals with his house situation. Mayor Presley mentioned attending a meeting with the Realtors Association with discussion on special use permits, the Comprehensive Plan and re-development. Mayor Presley stated she received a note from Taney County Clerk Donna Neeley inquiring if the City would like to change or add polling places after the City does its redistricting due to the census.

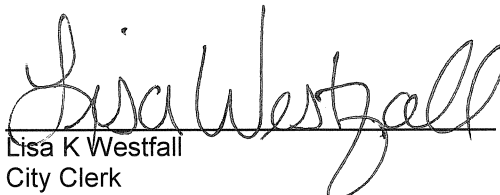
Administrator Kruithof provided an update on the flooding and stated the Bass Pro Marina had broken loose and collided with the Fish House at the Branson Landing. Jim Lawson explained that attempts have been made to secure the Marina and commented there are other docks floating loose on the lake. Mayor Presley stated MoDOT has blocked off parts of the new Taneycomo Bridge to prohibit people parking cars or walking on the bridge to observe the flooding. Administrator Kruithof stated there was a press conference today regarding the flood as well as a conference call with Rockaway Beach, Forsyth, Hollister, Taney County, the Corps of Engineers and the City of Branson. He stated Table Rock Dam is currently releasing water at 68,000 cubic feet per second which has never been done before and stated it is estimated that the amount of water going into Table Rock Lake is 200,000 cubic feet per second. Administrator Kruithof said the gates are open about 4 feet and one of the largest contributors of water flowing into Table Rock Lake is the James River and water is also being released from Beaver Dam which takes approximately two days to reach Table Rock Lake. Administrator Kruithof stated the Corps of Engineers is trying to balance the amount of water discharged from Table Rock Dam to keep the crest at 934-935 feet. He commented that if the crest meets 937-938 feet, water will have to be released from the dam. Administrator Kruithof informed everyone there will be another conference call tomorrow with all of the parties involved and commented the dam is in good physical shape and is not in danger of breaching. He said the top soil that is sloughing away from the sides of the dam helps support the road and is not part of the structural integrity of the dam and falling rainwater is causing the sloughing away of the topsoil. Administrator Kruithof mentioned there are structural engineers monitoring this and will be working on the road. He talked about neighborhoods that have been flooded and mentioned the Compton Water Treatment Plant levies which are in good condition and there is not concern about them breaching, but it is recommended that soil be added to the tops of the levies. Administrator Kruithof stated the City does not have the equipment or fill dirt necessary to complete this task, but said Taney County is helping with these efforts as they have voluntarily offered to use their trucks and fill dirt to accomplish this task. Administrator Kruithof expressed appreciation to Taney County Commissioner Jim Strafuss and stated this is a great example of intergovernmental cooperation. Administrator Kruithof invited Fire Chief Carl Sparks to speak about the command centers at Fall Creek, Cliff Drive and Lakewood Estates. Chief Sparks stated the current flow of water at Table Rock Dam is 68,000 cubic feet per second which started at 4:00 p.m. today and since that time the lake has risen another 42 inches. He said there are people monitoring the lake situation and interacting with the public at the three command sites. Alderman Bohinc asked if the lake is still rising at the same pace as earlier today and Chief Sparks replied it is uncertain. Mayor Presley encouraged the Aldermen to reach out to people in the community during this difficult time.

ADJOURN

Mayor Presley asked for a motion to adjourn. Alderman Booth moved to adjourn, seconded by Alderman Parnell. Voting aye: Simmons, Davis, Bohinc, Parnell and Booth. Nays: none. Absent: Todd. Motion carried. Meeting adjourned at 10:21 p.m.



Raeanne Presley
Mayor



Lisa K Westfall
City Clerk